IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 12706 of 2004

Between:

V.V. Prasad, S/o. Late Sri Veeramachineni Prakash Rao,
GPA Holder to Veeramachineni Pushkaramba R/o. 33-4-1, Mogalrajapuram,

Vijayawada.

... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Vijayawada,
Vijayawada, Krishna District.
2 The District Collector, Krishna District.
3 The Sub-Collector, Vijayawada, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in issuing impugned proceedings vide No. G2/2520/04 DT. 16-6-2004 and consequential directions DT. 5-7-2004 in relation to petitioners land to an extent of 39.22 Sq. yards situated at A.S. Rama Rao Road, Mogalrajapuram, Vijayawada Urban Mandal, Krishna District.

Counsel for the Petitioner: MR.C.NAGESWARA RAO

Counsel for the Respondent No.1: MR. T.S. VENKATARAMANA, SC FOR MCV

Counsel for the Respondents 2 & 3: GP FOR REVENUE

The Court made the following:

ORDER:

The submission made by the learned counsel for the petitioner that unless the procedure contemplated under Section 146 of the Hyderabad Municipal Corporation Act (for short HMC Act') is exhausted, proceedings cannot be initiated without there being any resolution for issuing a notification issued under Section 4 (1) of the Act is liable to set aside, cannot be countenanced.

2. Learned counsel for the respondent-corporation submits that land acquisition proceedings have already been completed and an award of Rs. 3,86,317-00/- was also passed. When the petitioner refused to receive the amount, the same was deposited and after award was passed, possession of land was also taken. In view of the same, petitioner, if not satisfied with the award so passed, can seek reference under Section 18 of the Act.

I do not see any merit in the submission made by the learned counsel for the petitioner. The writ petition is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

October 5, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Commissioner, Municipal Corporation of Vijayawada,
Vijayawada, Krishna District.
2 The District Collector, Krishna District.
3 The Sub-Collector, Vijayawada, Krishna District.

4 Two C.C. s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.